

1 Roderick M. Thompson (State Bar No. 96192)
2 rthompson@fbm.com
3 Robert C. Holtzapple (State Bar No. 145954)
4 bholtzapple@fbm.com
5 Helen Dutton (State Bar No. 235558)
6 hdutton@fbm.com
7 Diego F. Acevedo (State Bar No. 244693)
8 dacevedo@fbm.com
9 Farella Braun & Martel LLP
10 235 Montgomery Street, 17th Floor
11 San Francisco, CA 94104
12 Telephone: (415) 954-4400
13 Facsimile: (415) 954-4480

14 Attorneys for Plaintiff
15 VISA U.S.A. INC.

16 UNITED STATES DISTRICT COURT FOR THE
17 NORTHERN DISTRICT OF CALIFORNIA

18 VISA U.S.A. INC.,

19 Plaintiff,

20 vs.

21 MARITZ INC., d/b/a MARITZ
22 LOYALTY MARKETING,

23 Defendant.

Case No. CV-07-5585 JSW

**APPENDIX OF NON-FEDERAL AND
UNPUBLISHED FEDERAL
AUTHORITIES CITED IN VISA USA
INC.'S OPPOSITION TO MARITZ INC.'S
MOTION TO STAY ARBITRATION**

Date: February 8, 2008
Time: 9:00 a.m.
Courtroom: 2 (17th Floor)
Hon. Jeffrey S. White

TABLE OF UNPUBLISHED FEDERAL CASES**TAB**

<i>Avue Techs. Corp. v. DCI Group, LLC</i> , 2006 WL 1147662 (D.D.C. Apr. 28, 2006)	A
<i>Poponin v. Virtual Pro, Inc.</i> , 2006 WL 2691418 (N.D. Cal. 2006).....	B
<i>Santana Row Hotel Partners, LP v. Zurich Am. Ins. Co.</i> , 2007 WL 914464 (N.D. Cal. 2007).....	C
<i>Vincent Consolidated Commodities, Inc., v. American Trading and Transfer</i> , 2007 U.S. Dist. LEXIS 53680 (S.D. Cal. 2007)	D
<i>Way Servs., Inc. v. Adecco N. Am., LLC</i> , 2007 WL 1775393 (E.D. Pa. Jun. 18, 2007)	E

TABLE OF STATE CASES

<i>Brownlee v. Vang</i> , 235 Cal.App.2d 465 (1965)	F
<i>Cicone v. URS Corp.</i> , 183 Cal.App.3d 194 (1986).....	G
<i>Engalla v. Permanente Medical Group, Inc.</i> , 15 Cal.4th 951 (1997)	H
<i>Jones v. Merrill Lynch</i> , 604 So.2d 332 (1991).....	I
<i>People v. Highland Fed. Sav. & Loan</i> , 14 Cal.App.4th 1692 (1993)	J
<i>South Tahoe Gas Co. v. Hofmann Land Improvement Co.</i> , 25 Cal.App.3d 750 (1972).....	K
<i>Warner Constr. Corp. v. City of Los Angeles</i> , 85 Cal. Rptr. 444 (1970)	L

TABLE OF RULES

AAA Commercial Rules Rule R-7(a).....	M
--	---

OTHER AUTHORITIES

Martin Domke, DOMKE ON COMMERCIAL ARBITRATION § 22.5 (3 ed. 2007)	N
26 Williston on Contracts § 69:16 (4th ed. 2007)	O
Restatement (Second) of Contracts § 161 (2007)	P

DATED: January 11, 2007

Respectfully submitted,

FARELLA BRAUN & MARTEL LLP

By: /s/ Roderick M. Thompson

Roderick M. Thompson

Attorneys for Plaintiff VISA U.S.A. INC.